S.B. CIVIL WRIT PETITION NO.1104/94.
(RAJ KUMAR JOSHI VS. STATE & ORS.)

DATE OF ORDER : 03.07.2007.

HON'BLE MR. GOVIND MATHUR, J.

None present for the petitioner.
Mr. B.L. Tiwari, Dy.GA, for the respondents.

Under a scheme dated 18.11.1992, an appointment was given to the petitioner on 1.1.91 as Teacher Shorthand (Hindi) at Government Senior Higher Secondary School, Pokran on part time basis. The petitioner was discontinued from service on 31.03.91, however, by an order dated 07.01.92 he was re-employed on the same post on part time basis. According to the petitioner, the respondents orally conveyed him that his services shall stand terminated, thus he filed this petition for writ praying as follows:

(a) that this writ petition kindly be allowed with cost.
(b) the non-petitioners be directed to allow the petitioner continuous in service.
(c) non-petitioners be directed to pay all remaining dues and regular pay scale of the post to the petitioner.
(d) non-petitioners be restrained that petitioner should not be terminated from service and he may be regularised on the post.

The contention of petitioner is that he was serving with the respondents regularly and, therefore, there was no occasion to terminate him from service without assigning any reason. An allegation of breach of Article 14 and 16 of the Constitution of India is also levelled in this petition for writ.

In reply to the writ petition, it is stated by the respondents that appointment of the petitioner was made under a scheme and as such no right accrued to him to continue on the post concern. Beside that the petitioner was working purely on part time basis and thus the allegation with regard to violation of Article 14 and 16 of the Constitution of India according to the respondents, is ill founded.

Considered the contentions raised in the petition for writ and also the reply filed on behalf of the respondents.

It is not in dispute that the appointment was given to the petitioner on part time basis under the scheme and the same came to an end on completion of the educational session. The part time teacher employed under a scheme cannot claim for regularization of service as the appointment itself was not made according to the provisions of the Statute.

In view of it, this petition for writ is having no merit and same, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/